

## **EAST ROCHESTER PLANNING BOARD MINUTES**

PLACE: 317 Main Street, East Rochester Village Offices

DATE: April 14, 2015

TIME: 7:00pm

### **PRESENT:**

Herb Allen, Chairman

Brandi Marino, Member

Barb Marr, Member

Michael Kurrasch, Member

Christina Belles, Member

Heather Heffernan, Alternate

David Mayer, Attorney

Gary Smith, Parrone Engineering

David Smith, Building Inspector

Jennifer Raymond, Recording Secretary

### **NOT PRESENT:**

Lafayette Eaton, Member

Mike Sullivan, Member

Christopher Poles, Alternate Member

The meeting was called to order at 7:00 pm and the Pledge of Allegiance was recited.

Heather Heffernan participated as a voting alternate member.

### **1st Item on Agenda:**

163 West Commercial Street, parcel #139.77-2-33 Yog n go. Manager Anthony Sapienza presented seeking Architectural Review for a Sign Permit to install a wall-mounted 9' x 5' (45 square foot) sign. Mr. Sapienza brought in one of the letters to show the board the size and color. He explained that the letters would be internally illuminated with low-wattage LED lights.

Herb Allen asked Mr. Sapienza whether the shading from the old sign (shown in the photo presented to the Board) on the building would be taken care of. Mr. Sapienza said he has already painted the building and covered up the shading.

Mr. Sapienza also mentioned wanting to hang a neon sign in the window for frozen custard. The Town Code states that not more than twenty-five percent of a window pane can be covered by signage. The size of the window pane and the proposed neon sign were not known. After a

discussion with the Board, it was determined that he would have to make a separate application to present to the Planning Board for review.

Heather Heffernan made a SEQRA motion to find this project to be a Type 2 Action.

Brandi Marino seconded the motion.

Voting was 6-0, all in favor.

Brandi Marino made a motion to approve this sign as presented.

Christina Belles seconded the motion.

Voting was 6-0, all in favor.

**2nd Item on the Agenda:**

233 East Commercial Street, parcel #152.22-1-17. Owner John Ross presented seeking Architectural Review and a positive recommendation from the Planning Board to the Zoning Board for a Special Use Permit to install a 4 foot high black vinyl coated chain link fence in the front yard of his corner lot (East Commercial Street side), and a gate between the house and the rear-yard deck.

Mr. Ross explained that the fence will be set back 15 feet or 16 feet from East Commercial Street.

Gary Smith stated that the fence is far enough back that there are no line-of-sight issues.

David Smith explained to the Planning Board that the applicant is seeking a variance from the Zoning Board to have a fence in the front yard that is over 36 inches in height and not decorative as defined in the code.

David Mayer mentioned this project will be a Type 2 Action under SEQRA. He stated that the Zoning Board could vote on the SEQRA motion since the Planning Board is only doing Architectural Review and voting on a possible recommendation to the Zoning Board.

Heather Heffernan made a suggestion to have a second gate installed on the 'outside' property line to allow for emergency access. Mr. Ross said he hadn't considered that but is agreeable to the suggestion and would call New York State Fence for a quote on installation of a second gate.

Christina Belles asked if the deck is being modified. Mr. Ross said it is not. The fence and gate will only come up next to the deck. She also inquired as to why Mr. Ross didn't choose a decorative fence. Mr. Ross replied that the height, strength (for his dog's protection) and the black vinyl coating on the fence were the attributes they were looking to have.

Barb Marr made a motion to give a positive recommendation to the Zoning Board for the fencing to be installed as submitted with the option of adding a second gate along the East Commercial Street side of the property. Mike Kurrasch seconded the motion.

Voting was 6-0, all in favor.

**3rd Item on the Agenda:**

100 Station Road, parcel #139.69-1-20 Despatch Junction. Owner Stanley Slade presented seeking Architectural Review to construct a detached 32' x 24' wood-framed storage garage.

Mr. Slade explained to the Board that originally he was going to have a basement included in the construction of the new principle structure, but due to financial constraints, he has decided to have a 'salt box' style storage facility instead. The design of the structure will complement the principle building.

Gary Smith referred to a letter of comments he submitted to the Board, dated March 27, 2015. He mentioned that the site plans (for the principle building) were never signed. His concern is that the plans originally showed a basement, a retaining wall, drainage and a driveway which have now all been taken away. There hasn't been a revised site plan submitted.

David Smith reminded the Planning Board of its decision on October 15, 2014 to approve the project for the rebuild of the principle structure within a year. The approval was to allow the structure to be built as non-conforming based on the Town Code 193-35 (A) for Restoration of a damaged structure and 193-36 (A) and (B) for Alteration of non-conforming buildings, without needing to acquire variances for zoning or use. Mr. Smith explained that there wasn't a problem with the site before and therefore a new site plan isn't required (the building was burned, not the site). Mr. Smith said the spirit of the code is to replace the structure within a year; the applicant is exempt from zoning variances and new site plans. David Smith would prefer the site not to have changes so as to avoid having to submit a new site plan.

Herb Allen inquired about the SEQRA action and the need for a new site plan since the proposed 'salt box' storage building is an auxiliary structure. David Smith said it's like a shed; he doesn't get site plans for a shed either. Gary Smith replied that a shed doesn't have water, electric or gas connected to it. Mr. Slade said he is using gas for heating and water only for a hose (inside the building), and electric for lighting and power to work out there. David Smith explained the necessity of a COMcheck for meeting the energy code once heating a structure is involved. Mr. Slade said he plans to insulate the building.

Gary Smith spoke about drainage and options to avoid problems with the neighboring property.

Herb Allen spoke about the square footage of both buildings for the property in relation to the original footprint of the principle building and the new auxiliary building being outside the original footprint. He explained that setback requirements, SEQRA and energy codes will have to be followed.

Jennifer Raymond reminded the Planning Board that they are at this meeting to focus on the Architectural Review of the proposed storage facility, and that the engineering and construction of the building would be addressed during the usual permit review process before David Smith will issue the permit. Herb Allen agreed.

Christina Belles confirmed that the gas is intended solely for heat, and not for cooking facilities. Mr. Slade agreed.

Christina Belles inquired about the location of the windows for the storage building. Brandi Marino stated that she thought that the windows looked good where they are proposed to be. Mr. Slade said that the building is only 14 feet high, so there isn't really an option to split up the location of the windows.

Mike Kurrasch inquired about the type of mechanics Mr. Slade intends to use for heating. Mr. Slade mentioned using gas heat with a ceiling mount. Mr. Kurrasch suggested a ductless split system that runs on electricity. Mr. Slade said that the gas option is less expensive. Mr. Allen mentioned that gas has to be properly vented. Mr. Slade said he would follow the necessary requirements for heating.

David Mayer explained that so long as the two buildings on the site are less than 4000 square feet, the project will be a Type 2 SEQRA Action.

Christina Belles made a SEQRA motion to declare this project to be a Type 2 Action and for the Board to be the Lead Agency. Barb Marr seconded the motion. Voting was 6-0, all in favor.

Heather Heffernan made a motion to approve the architectural review for the building, with the condition that engineering and energy codes are addressed during the permit review process. Christina Belles seconded the motion. Voting was 6-0, all in favor.

**4th Item on the Agenda:**

137 West Commercial Street, parcel #139.77-2-41 Lemoncello's. Co-Owner Massimo Albano presented seeking Architectural Review to extend the patio into the driveway next door at 141 West Commercial Street. Brick and wood fencing is proposed for the enclosure.

Gary Smith referred to his comment letter to the Planning Board dated March 10, 2015. He mentioned that he has met with Fausto Albano to go over the concerns outlined. That is what has generated some of the newer submittals for this project to come back to the Board for review. There is an issue with the property boundaries. One of the facilities not currently on his property is being used as part of his kitchen facilities for his establishment. That kitchen area would still have 5 feet on the neighbor's property with the proposed new property lines that have been submitted to the Board. To alleviate this problem, Gary Smith suggested Fausto Albano have his legal agent write

up the purchase offer to include that kitchen building into the purchase of the property next door so that it's on his property.

Gary Smith shared a discussion he had with Fausto Albano concerning storage of trash. Currently the trash is stored in totes in the area where the proposed new patio will be located. At Gary Smith's recommendation to Mr. Albano, a written letter was submitted from property owner Rakesh Marwah giving permission to make the application for the property and to use part of the property to store trash. David Mayer said that the letter received from Mr. Marwah is not binding; if that property were to change ownership, the new owner would not be required to uphold the agreement to store trash on that neighboring property. He advised Mr. Albano to make plans to store the trash on his own property to avoid problems. Heather Heffernan also suggested that Lemoncello's should keep control of trash storage rather than relying on storage at someone else's property.

The Planning Board had an open discussion with Mr. Albano concerning the Town Code requirement to have 20 percent green space in a Limited Commercial zoning district. Different options were discussed including a rain garden, seeking a variance, green space being used by dogs going to Dogs Spaw next door.

Gary Smith also discussed the problem with the new elevations submitted showing the new patio going over the proposed new property line (on the plat map by Edwin A. Summerhays dated 4/10/15 for Albano Subdivision). Gary Smith mentioned that he had a conversation with Mr. Summerhays concerning the preliminary elevations, water run-off concerns and the need to have more grade elevations added to the map (in order to determine the effects to the neighboring properties). David Smith spoke about concerns with the amount of impervious area increasing with the new patio.

Mr. Albano mentioned to the Board that they know there is a problem with water pooling in the rear of the property. They intend to address that and fix it when they install the new patio.

Herb Allen inquired how tenants (of the upstairs apartments next door) access the back entrance. Gary Smith said tenants can access from the other side of the building and can access from the front of the building.

Gary Smith also brought up questions concerning emergency access routes to the rear property, and concerning having gates.

David Smith told the Board that he has spoken with Chief of Police Steve Clancy concerning noise that may go until 2 am, right next to residential apartments. He suggested a possible time ordinance for the extended patio. Mr. Albano said the new patio would be used for private parties and for over-flow; it would be the first area to be closed each night. The music would be kept in the existing patio area rather than in the new patio area.

Christina Belles inquired why Mr. Albano plans to keep a fence between the two patios. Mr. Albano replied that a portion of the fence would be removed to create an entrance to the new patio area. The remainder of the fence will be kept there to allow for privacy (for private parties). Ms. Belles suggested having a symmetrical look for the gates and Mr. Albano agreed.

Christina Belles mentioned to Mr. Albano that he needs the help of a design professional to help figure out the logistics for grading, water run-off and installation of the patio.

David Mayer inquired about the sideline setback requirements for this project. Gary Smith confirmed that this area has a 'zero setback'.

Herb Allen summarized all the discussions, concerns and questions from this meeting and suggested that the applicant request tabling this application so that these items can be addressed and then come back to the Planning Board with a true record of the proposed project.

Massimo Albano requested the application for this project to be tabled until he is ready to come back to present to the Planning Board.

A motion was made by Mike Kurrasch to approve the March 10, 2015 Planning Board minutes. Barb Marr seconded the motion. Voting was 6-0, all in favor.

Christina Belles made a motion to adjourn at 8:23 pm. Brandi Marino seconded the motion. Voting was 6-0, all in favor.

Respectfully submitted,

Jennifer Raymond  
Recording Secretary